

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In re BAYCOL PRODUCTS LITIGATION

MDL NO. 1431 (MJD/SRN)

ORDER

This Document Relates to:

Jeffrey Adams, et al. v. Bayer AG, et al.
(Plaintiff Albert Averill only)

Case No. 04-3272

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson. No objections have been filed to that Report and Recommendation in the time period permitted.

Accordingly, based on the Report and Recommendation and all of the files, records, and proceedings herein, **IT IS HEREBY ORDERED that:**

1. Defendant Bayer Corporation's Motion for Discovery Sanctions against Plaintiff Albert Averill (Doc. No. 43) is **DENIED** as to dismissal, but **GRANTED** as to court reporter's fees; and
2. Plaintiff's counsel is required to pay the sum of \$155.50 to Bayer Corporation within 10 days of the District Court's Order should the District Court adopt this Report and Recommendation.

Dated: _____

AUG 31 2007



MICHAEL J. DAVIS
United States District Court Judge

SCANNED

AUG 31 2007

U.S. DISTRICT COURT MPLS